



# DISABILITY AND COMMUNICATION ACCESS BOARD

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## INTERPRETIVE OPINION

Pursuant to §103-50, Hawaii Revised Statutes (HRS), all buildings and facilities constructed by, or on behalf of the State or any county, shall conform to the Americans with Disabilities Act Accessibility Guidelines (ADAAG) and amendments. In accordance to HRS §103-50 and Chapter 11-217, Hawaii Administrative Rules, the Disability and Communication Access Board has authority to issue interpretive opinions to HRS §103-50 design standards.

**Docket:** **DCAB 2004-03:** Can a new passenger elevator compliant with ADAAG Sections 4.1.3(5) and 4.10.1 located in a judicial facility, totally controlled and operated by security personnel, be outfitted with a security cage to facilitate the transport of detainees?

**Summary:** While elevators need to be accessible there is also the issue of security to consider in judicial and correctional facilities. In Section 11 of ADAAG, 'Judicial, Legislative and Regulatory Facilities and Section 12 Detention and Correctional Facilities, security issues were taken into consideration when developing the exception 'Doors and doorways operated only by security personnel shall be exempt from 4.13.9, 4.13.10, 4.13.11, and 4.13.12.' With passenger elevators, due to the nature of the situation, detainees are not required to operate the controls of the elevator; nor would they require turning space once inside the cab. The detainee will always be escorted by security personnel and shall never be left unattended.

The U.S. Access Board notes that a passenger elevator is part of an accessible route and shall comply with ADAAG 4.1.3(5) which indicates that each full passenger elevator provided shall comply with ADAAG Section 4.10. The U.S. Access Board also noted that if security is a definitive factor, ADAAG Section 2.2 (Equivalent Facilitation) can be used. Equivalent facilitation can be determined by submitting a request for interpretive opinion to the Disability and Communications Access Board for a review and ruling. Compliance with this interpretive opinion is considered equivalent facilitation and does not require a separate submittal for review or ruling by the Board.

**Ruling:** For buildings or facilities subject to HRS §103-50,

### **ADAAG 4.1.3(5) and 4.10.1**

In Judiciary & Correctional Facilities, a security cage may be installed in an elevator under the following conditions:

- 1) The elevator shall comply with ADAAG 4.10.1.
- 2) An accessible route is provided to the wheelchair space used by the detainee. The accessible route shall comply with ADAAG 4.3. The wheelchair space shall comply with ADAAG 4.2.4.  
EXCEPTION: Compliance with 4.13.9, 4.13.10, 4.13.11 and 4.13.12 is not required at entrances, doors or doorways that are operated only by security personnel or where security requirements prohibit full compliance with these provisions.
- 3) The elevator is used only for transporting detainees and operated by accompanying security personnel.
- 4) The building has at least one additional accessible elevator which is available to the public and/or employees.

[Rul:03/04] (Auth and Imp: HRS §103-50)

If you have any questions or comments regarding this ruling, please call 586-8121.